

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CABLE GATE

the specification of which:

☐ is attached hereto.

☒ was filed on 1st October, 1999 as

International Application Serial No. PCT/AU99/00846

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Priority Claimed

<u>PP 6306</u>	<u>Australia</u>	<u>01.10.1998</u>	<input checked="" type="checkbox"/> <input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes No
<u>PQ 1385</u>	<u>Australia</u>	<u>02.07.1999</u>	<input checked="" type="checkbox"/> <input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes No

I hereby claim the benefit under Title 35, United States Code, §120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.) (Filing Date) (Status)(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements

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and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

As a named inventor, I hereby appoint John F. Hoffman, Regis. No. 26,280; Anthony Niewyk, Regis. No. 24,871; Kevin R. Erdman, Regis. No. 33,687; Brian C. Pauls, Regis. No. 40,122; Michael D. Smith, Regis. No. 50,181; Arthur R. Whale, Regis. No. 18,778; Lawrence A. Steward, Regis. No. 32,309; Edward J. Prein, Regis. No. 37,212; James D. Hall, Regis. No. 24,893 and Ken C. Decker, Regis. No. 25,422, of BAKER & DANIELS, as attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from Watermark as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from who instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

SEND CORRESPONDENCE TO:

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Full name of sole or first inventor: Ian Reginald Thompson  
Residence: Duncraig, W.A. Australia Citizenship Australian  
Post Office Address 25 Juniper Way, Duncraig, W.A. 6000, Australia.

Inventor's Signature [Signature] Date 27/4/01

Full name of second joint inventor: Ralph Tony Sarich  
Residence Perth, W.A. Australia Citizenship Australian  
Post Office Address Level 5 181 St George's Terrace Perth WA 6000 Australia

Inventor's Signature [Signature] Date 27/4/01

Level 5 181 St George's Terrace Perth WA 6000 Australia

Full name of third joint inventor: \_\_\_\_\_  
Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
Post Office Address \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

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APPLICANT OR PATENTEE: \_\_\_\_\_ Attorney's Docket No.: \_\_\_\_\_  
SERIAL NO. OR PATENT NO. \_\_\_\_\_  
FILED OR ISSUED: \_\_\_\_\_  
TITLE: \_\_\_\_\_

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Matilda Products Ltd.

ADDRESS OF CONCERN: Level 5, 181 St George's Terrace, Perth WA 6000 Australia

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled:

CABLE GATE

by inventor(s) Ian Reginald Thompson and Ralph Tony Sarich  
described in:

- ☐ the specification filed herewith.  
☐ Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by an concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

FULL NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NON PROFIT ORGANIZATION

FULL NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NON PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Peter Anthony Sarich

TITLE OF PERSON OTHER THAN OWNER: Director

ADDRESS OF PERSON SIGNING: Level 5, 181 St George's Terrace, Perth WA 6000  
Australia

SIGNATURE: \_\_\_\_\_ DATE: 27/4/01